

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

CHRISTOPHER ADAMS,

Plaintiff,

v.

RANDALL LEWIS,
FRANK STRADA, and
SHAWN PHILLIPS,

Defendants.

No.: 1:22-CV-125-SKL

ORDER

Defendants have filed a motion for leave to depose Plaintiff, a prisoner proceeding pro se and *in forma pauperis* in a civil rights action under 42 U.S.C. § 1983 [Doc. 82]. Because Defendants seek to depose an incarcerated witness, the Court's authorization is required. *See* Fed. R. Civ. P. 30(a)(2)(B).

Plaintiff initiated this action. "It is axiomatic that when a party initiates a lawsuit. . . the opposing party has the presumptive right to depose him." *In re Ohio Execution Protocol Litig.*, No. 2:11-CV-1016, 2019 WL 11851135, at *2 (S.D. Ohio Aug. 23, 2019). And Plaintiff's sworn testimony constitutes discoverable information under Rule 26(b) of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 26(b). Therefore, the Court **GRANTS** Defendants' motion [Doc. 82]. Defendants may depose Plaintiff at the Trousdale Turner Correctional Center at a time that is mutually agreed upon by the parties and Plaintiff's custodians, and the deposition may be recorded by videographic and stenographic means.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE